

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Minutes of Meeting

February 13, 2004

Attendance:

Robert Clegg, Chairman, Department of Safety

Tyler Carlisle, Board of Engineers, licensed electrical engineer

Fred Baybutt, Associated General Contractors, building contractor – non-residential buildings

Medard Kopczynski, NH Municipal Association

Kenneth Andrews, NH Building Officials Association, municipal building official

Michael Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design

John Tuttle, NH Home Builders Association, Architectural designer – residential

Jerry Tepe, Board of Architects, licensed architect

James Petersen, PE, Board of Engineers, licensed mechanical engineer

George Maihos, NH Electricians Board, licenses master electrician

Wes Golomb, State energy conservation code office

Joel Fisher, Board of Engineers, licensed structural engineer

Tedd Evans, Board for licensing and regulation of plumbers, licensed master plumber

Absent:

Vacant Position, NH Association of Fire Chiefs, municipal fire chief

Bob Longchamps, NH Electrical Contractors Business Asso., licensed master electrician

Bruce Phillips, NH Association of Fire Chiefs, municipal volunteer fire chief

Rick Swain, NH Plumbing & Mechanical Contractors Assoc., mechanical contractor, business

Guests:

Marta Modigliani, Attorney, Department of Safety, Office of the Commissioner

Gary Bernier, NH Municipal Association

With a quorum of the Board present, Chairman Clegg so declared and called the meeting to order at 10:05. Notice of the meeting was posted at the Department of Safety and State House, the State Fire Academy, the New Hampshire Rule Making Register and the Legislative Office Building a minimum of 2 weeks prior to scheduled meeting date.

PUBLIC HEARING:

Chairman Clegg: The Chair recognized Wes Golomb.

Wes Golomb: Good Morning.

Chairman Clegg: Wes, you need to step down and sit in the 'hot seat'.

Wes Golomb: I would like to introduce Attorney Suzanne Amadon who is from the PUC legal staff.

Chairman Clegg: When you get seated, you are going to have to state your name for the record. And if its a hard last name, could you spell it for Evvy.

Suzanne Amadon: Yes. And for the record, my name is Suzanne Amadon, I am a staff attorney for the PUC Commission, and good morning.

Wes Golomb: I would like to pass these out. What I did was start, didn't get as far as I hoped, but I started on what we discussed last time and what I've done, is I've pulled out all of the issues that seems to (inaudible) importance, changes to the Code. And I would like the Board to deal with these today as much as we can. Some of these relate together. For example: A and B and C and D and E are all on the same . . . relate to the same issue which is that of sun room additions and green houses.

Chairman Clegg: Let me interrupt you for just one minute Wes. I am passing around, this will be known as **EXHIBIT 12**. Go ahead.

Wes Golomb: I'm sorry. You will find (inaudible) the same thing I handed out last week, except that I've called out these specific points I would like to deal with today. Ok. So, the bottom line is this, this Code does not, as its written, thank you, provide for sun rooms to be built above 40% glazing, or additions to be built above 40% glazing. That's wall and ceiling for window area, and it does not provide for a separate entity which we traditionally call the green house.

Chairman Clegg: Ok. For clarification for the recording part, you are saying that the existing Code does not allow for that, and this will change that.

Wes Golomb: My . . . yes.

Chairman Clegg: Ok. Thank you.

Wes Golomb: And here is how it will change it. It will change it as . . . as part sun room additions, as the 2003 Code will have it, which provides for . . . over 40% glazing a sun room can be built as long as that, if you are looking for a heater . . . maintains (inaudible) insulation not used as a sleeping room or kitchen, and can be thermostatically controlled as a separate zone or existing system. This is what they're . . . and I think some of you who in on the IECC hearing, can be more specific, but as I understand it, this is what the compromise was between the IECC and the Sun Room Association nationally. Without this, anybody who wants to build a sun room in their house and in the State doesn't have the legal grounds to do it. So, I feel that it's important that we adopt the change as soon as possible. You want each one individually? I think that would be the best way to do it.

Chairman Clegg: Ok. Ken Andrews.

Ken Andrews: Asking I guess, through the Chair, the applicant, are you proposing these titles as an amendment to the Energy Code, or as part of your Rules?

Wes Golomb: As an amendment to use. We decided last month, that we were gonna post-poner (inaudible) as a . . . a change to the Energy Code. They are NOT going to be Rules. You asked me to (inaudible) on that one. And that is what I started to do.

Chairman Clegg: Right. Ken.

Ken Andrews: Further question. Mr. Chair, the way this is being presented to us in format, does this conform to proposed Code changes as we've said.

Chairman Clegg: Have you referenced the Codes . . . the Sections of the Code that you want to change? Or have you only referenced only the PUC Rule?

Wes Golomb: I guess in this case, I have referenced the PUC . . . ahh referenced the RSA it appears (inaudible). I have not referenced either really on this one.

Chairman Clegg: For clarification, RSA 155 is the Statewide Building Code, so I think he is right in Section E he is referencing the State Code, which would be the Energy Code.

Wes Golomb: I can certainly find it fairly quickly the . . . where this would fit in, you know, the . . . the number of the Code.

Chairman Clegg: Jerry Tepe.

Jerry Tepe: Wes, I obviously haven't had time to do this, but have you compared what you are proposing here with what the IECC has done in the 2003 Edition, which did specifically address this issue of sun rooms?

Wes Golomb: Yes. These . . . what I've got here is verbatim from . . . from the . . . 2003, and actually came to me before the 2003 came out from DOE – T&L Lab and I just . . . copied it . . . I literally cut and pasted it in there as is.

Jerry Tepe: Excuse me. Follow-up. You got it **before** the IECC came out?

Wes Golomb: I have never seen the IECC 2003 book if that is what you are asking me.

Jerry Tepe: I would . . . I would suggest before we adopt something that we at least make sure that we are paralleling what's happening because at some point, we're gonna adopt **that** or a future editions of **that** and we would then have to go back and make other changes if we are doing something contrary to that.

Wes Golomb: It is my understanding, and I can certainly check that, that this is verbatim from what was adopted.

Jerry Tepe: Another suggestion – before we do a final action, we need make sure that we're . . .

Chairman Clegg: Keep going.

Wes Golomb: Ok. So all out of C – lets go back to D please. There is no provision in the Code for a plant growing green house. So, G, which relates to #4 there under A allows for that. So the company can build a green house for agricultural purposes in here.

Chairman Clegg: Wes, I think. . . I think to make things easier, we are jumping around, so we'll start with A. . . the changes in part A, if I understand it, are nothing more than definition.

Wes Golomb: Right. A, B . . .

Chairman Clegg: Let me ask you the question. A and B are . . . are definitions.

Wes Golomb: C also.

Chairman Clegg: And C is a definition. Is there any difference between these definitions and what's in the current Code?

Wes Golomb: Yes. And the difference is . . . if you look at A – with a 40' addition means . . .

Chairman Clegg: Building a structure with 40%. So you have changed this from the existing to 40% is that the change there?

Wes Golomb: No actually that **is** in the Code as (inaudible) its above 40% which would be D that has been changed.

Chairman Clegg: What's the changes you are requesting in Part A.

Wes Golomb: I am not requesting actually . . . any change. That is a definition, the current definition of an addition.

Chairman Clegg: Ok. Is there any change in the applicant?

Wes Golomb: I am sorry, I don't understand.

Chairman Clegg: I am going through it.

Wes Golomb: Oh no. The only change . . . the next change is D.

Chairman Clegg: So we don't even need to work on A because they are already in the current Code.

Wes Golomb: Correct.

Chairman Clegg: Hold on one second. So B starts where?

Wes Golomb: 1801.07

Chairman Clegg: Jerry Tepe

Jerry Tepe: Mr. Chair. We do need to deal with A because the Code as currently written does not reference the 40% glazing.

Chairman Clegg: Ok.

Wes Golomb: Up to 40%. 502.2.5 if I remember.

Chairman Clegg: Are you both working out of the same Code book? Or is somebody working off the 2003?

Wes Golomb: Up to 40% is not in the definition here. It is in the Code, in the Tables, I believe it's in Chapter 5.

Chairman Clegg: Alright. So we do need to deal with A. And you are saying the only change in A, Jerry, would be the 40% because its not in the 2000 Edition definitions.

Jerry Tepe: That is correct.

Chairman Clegg: Ok. B Wes . . I'm sorry Tyler.

Tyler Carlisle: I'm a little confused. And maybe it's because I am going back and looking under an old one of Wes's but it indicates . . . the old one indicated all of A as new.

Wes Golomb: It's clearly, not all of A is not new. There is a portion of it which Jerry points out is correct, is new. Stating with 'with'.

Chairman Clegg: Ok. Ken Andrews.

Ken Andrews: Would it be simpler and cleaner, to take A which is referred on **EXHIBIT 12**, as PUC 1801.01, and insert **it** in the Code to replace what **exists** in the Code for additions? In it's entirety.

Chairman Clegg: We can actually re-adopt everything, if that is what we want to do. I am not sure that that's the only change. I know Jerry is working it over there. We think . . . we can do whatever we want up to the Public Hearing. So, again Wes, B the changes in B?

Wes Golomb: That whole definition is insert there. That's new. There is no (inaudible) sun rooms . . .

Chairman Clegg: Ok.

Wes Golomb: . . . in this at all.

Chairman Clegg: Section C – the changes?

Wes Golomb: Thermal isolation I don't believe is in the Code at all. In the definitions.

Chairman Clegg: Ok. You realize the Section in here that says re-adopt of the minutes, and re-number PUC Rule number, we can't take?

Wes Golomb: I understand.

Chairman Clegg: Ok.

Wes Golomb: I'm just . . . all I did was I took what I had before, we know that it's not a . . . a usable . . . a usable document, it has to be . . .

Chairman Clegg: Just so you know, it **has** to be a usable document. We can't work off of something that we would consider to be non-usable.

Wes Golomb: I'm saying . . .

Chairman Clegg: If you are saying this isn't usable, we're having a PUBLIC HEARING for an adoption process.

Wes Golomb: I'm saying that I was asked to pull out of this document what were actual changes in the Code.

Chairman Clegg: Correct.

Wes Golomb: And that's what I've done, and that's what I've outlined here. If they need to be in another form, I am happy to change them to a form you want.

Chairman Clegg: Ok. But I am sure you don't mean for PUBLIC HEARING, that we are not suppose to use this document. And I . . .

Wes Golomb: No. No. We're working off of this document. Excuse me.

Chairman Clegg: Ok.

Wes Golomb: Seeing Thermal Isolation is not in the 2000 Code, . . .

Chairman Clegg: Yep

Wes Golomb: . . . D is not in the 2000 Code, and let me just confirm that. But I am sure its not. No. So, so far, I am proposing 2 substantive changes. One is the fact that we allow sun rooms to be built above 40% glazing with the Rules that have been adopted in the 2000 IECC . . .

Chairman Clegg: You want to (inaudible) the Rules into the actual Code, is what you are asking us to do.

Wes Golomb: Right. The language that's in the 2003.

Chairman Clegg: Correct. What you're asking us is what you had in Rules, you are now asking us to adopt them as part of the actual Code, and some of the language you're asking us to adopt, may be in fact, language that is in 2003. Unfortunately, that doesn't . . . that's not something we can . . . the 2003 Code is not something we can consider at this time.

Wes Golomb: I understand. But we have to deal with something, or we're gonna have all the sun room companies in the . . .

Chairman Clegg: Understood. I am not giving you a hard time, I'm trying to rationalize for the record, exactly what are trying to do here.

Wes Golomb: Thank you Mr. Chairman.

Chairman Clegg: Now, when I get down to B, again we're talking only about green house.

Wes Golomb: Yes Sir.

Chairman Clegg: And the changes in that are . . .

Wes Golomb: We're referring to # 4 there, green houses that are free-standing or attached to a building that is separated by a wall having the same (inaudible) value as an interior wall, and provided with a separate temperature control system are exempt from this Code.

Chairman Clegg: And # 5 is . . . already in the Code?

Wes Golomb: Conditions, sun room?

Chairman Clegg: Well you just gave me #4 . . .

Wes Golomb: I'm sorry yes. That's already in RSA 155-D. # 5 is.

Chairman Clegg: Ok. And # 6?

Wes Golomb: That's also in RSA 155-D.

Chairman Clegg: # 7?

Wes Golomb: Is in the area that carve out . . . this is already in place, be in other laws.

Chairman Clegg: Ok.

Wes Golomb: You'll remember my original attempt here was to put everything into one document. So it would be . . .

Chairman Clegg: Easily identifiable. Alright. Ok, when I go to the next page, page 3 on the top of the page, (b) the following amendments shall apply to the IECC 2000 . . .

Wes Golomb: This is all from . . . RSA 155-D, down through number 4, the next change.

Chairman Clegg: So, D – 1 through 3 already exists in the Code.

Wes Golomb: Yes. And if you say that RSA 155-D is part of the Code, I (inaudible) and the answer to your question is yes.

Chairman Clegg: Ok. Jerry Tepe.

Jerry Tepe: Wes, part E is only # 4? Or what . . .

Wes Golomb: No yet.

Jerry Tepe: Only # 4.

Wes Golomb: Um hum (indicating yes)

Jerry Tepe: Then as a follow-up . . .

Wes Golomb: No no no no, part E, I am sorry, is 5.

Jerry Tepe: E is 5.

Wes Golomb: Conditioned sun room additions shall . . .

Jerry Tepe: Ok.

Wes Golomb: . . . maintain thermal isolation, not be used as kitchens or sleeping rooms and . . .

Jerry Tepe: If you look directly above that, (3) we are dealing with . . . we are talking about the State of New Hampshire being only in Climate Zone 15.

Wes Golomb: That is in 155-D. We are not dealing with that now.

Terry Tepe: No – one more above that parenthesis 3 – “exterior design conditions attributable to residential construction . . . etc. . . . DOE Climate Zone 15”.

Wes Golomb: That is in 155-D.

Terry Tepe: That **is** in 155-D?

Wes Golomb: You want me to find where it is for you right now?

Jerry Tepe: No . . .but . . .

Wes Golomb: Yes.

Jerry Tepe: Because we had that discussion at the last meeting, that . . . the Building Code . . .

Wes Golomb: Yes.

Jerry Tepe: Excuse me, the Energy Conservation Code, splits the State into 15 and into 16.

Wes Golomb: Correct. But it's in, and I brought that with me, it's in the RSA 155-D, as far I remember.

Jerry Tepe: Follow-up Mr. Chairman to you. If this is . . .if this is in fact in an RSA, I realize that will supercede the Code, but do we want to make the specific amendment to the Code to conform to that.

Chairman Clegg: I think what's gonna have to happen is we'll all have to have a discussion on exactly how we are going to proceed after the PUBLIC HEARING.

Jerry Tepe: Thank you.

Chairman Clegg: Wes, can you . . . you've already gone through E, at the beginning of your testimony, and that's also, if I remember correctly, . . .

Wes Golomb: Um-hum (indicating yes)

Chairman Clegg: And F what's new in that?

Wes Golomb: In F we've inserted to solve some problems that have come up with the IECC, that's # 8. The following renovations need not comply with the provisions of this Code, provided the energy use of the building is not increased as a result of these renovation. The Code says if you punch it, you got to bring it up to Code. And, the . . .the most aggravance, if that's the correct word to use, (inaudible) but all four of use have been issued. Storm windows installed over existing windows or door we do not believe that if somebody does that they must then, have to bring the window or door, to a point 3 5, which is the Code. By adding that, it will improve it, but may not bring it to point 3 5, and the idea is somebody who wants to improve the house, make it tighter, make it more energy efficient, shouldn't have to replace the whole window or door for example just because they want to put a storm door or storm window on.

Glass only replacements in an existing sash and frame – that's the same concept. Existing ceiling, wall or floor cavities exposed during construction provided these cavities are filled with insulation. I think I explained it last month, but let me explain where this comes from again. There was a situation where somebody called me up, said, the renovation package required R-14 (inaudible) in the wall, I have 2 x 4 walls, I opened up my wall, and therefore, I needed to put R-21 in there, I could get R-13 or 15 in the cavity, and the Code official was going to require me to take the siding off, and add two inches of rigid insulation, under the siding, and then so it wouldn't look lousy, I was then going to have to replace all the windows that were in the wall. Is this really what I have to do? And we worked it out in terms of a compromise in that specific case, but this point is the real issue. There are a lot of people there who have 2 x 4 walls, you open it up in the process of a renovation, it's perfectly reasonable to ask them to fill it up. It's not perfectly reasonable to ask them to do all the other things that might bring that up to R-21, that would bring that up to R-21, and that's where (c) comes from.

Chairman Clegg: Ok.

Wes Golomb: And (d) construction where the existing roof, wall or floor cavity is not exposed – that may be over-kill there but its just for clarification that that too is not required that you bring the . . . that part of the structure up to Code.

Chairman Clegg: Ok. Hold on one second. George? Do you have a question?

George Maihos: On (e) you already went down to (f), so I thought of this, go back to (e). # 5 . . . (c) shall be thermostatically controlled as a separate zone of the existing system? I don't know if that has changed, or if that is something new, or . . .

Wes Golomb: No, its just . . . actually you caught a good point there. It should be . . .

George Maihos: No, I want to finish what I was saying.

Wes Golomb: I'm sorry, I apologize.

George Maihos: Thank you. You know, if someone is going to put a separate electric heat in that new sun room, it wouldn't be under the existing system. They would have their own thermostat in there and they could just put their own heat in there. So I didn't know if we're trying to say that . . . I don't know what it says now, or if this is something new, or . . .

Wes Golomb: There should be an "or" between, and that would make the a and at. Or as an . . . no or as a separate zone of the existing system.

George Maihos: (c) Shall be thermostatically controlled or as a separate zone of the existing system.

Chairman Clegg: I think it needs a little more clarification than that. It needs to say that . . . thermostatically controlled as a separate zone from the existing system, or, have an independent system.

Wes Golomb: Fine

Chairman Clegg: Those are not the right words, but we'll work on it. Tyler.

Tyler Carlisle: Suggest that it just be thermostatically controlled? Isn't it . . .

Wes Golomb: No no.

Tyler Carlisle: Why not?

Wes Golomb: It could be determined factor in controlled thermostat that's in the living room, instead of in the (inaudible)

Tyler Carlisle: (inaudible)

Wes Golomb: I think it needs to be specified as a thermostat of the space. That's why it was there.

Tyler Carlisle: Easy enough.

Wes Golomb: Ok.

Chairman Clegg: George, are you all set?

George Maihos: Yes. Thank you.

Chairman Clegg: Ok Wes, do you want to finish on (f)?

Wes Golomb: I think we're finished with that as far as I am concerned.

Chairman Clegg: Ok. What's in (g)?

Wes Golomb: Ok. We talked about this last time. I know some of you disagree with this and . . . I certainly am open for discussion but, as the first (1) circulating domestic hot water pipe – what I have attempted to do is simplify that the Table and put it into a R-4 solid, clear to anybody whether or not they have a copy of (inaudible). And, (2) is the inclusion as I said, at the request of the Code Officials Association, that domestic hot water pipes and I would add, running through unconditioned spaces. . . . shall be insulated to R-4.

Chairman Clegg: Do you have any comments on that Tedd Evans?

Tedd Evans: No.

Chairman Clegg: Jerry Tepe.

Jerry Tepe: Wes, I think well . . . if we do this, we will need to make sure we define, very specifically, what is meant by unconditioned spaces. Last month the issue was raised about whether this would constitute any basement that did not have a specific heating system in it, which covers a lot of houses, and I don't think that was the intent. Unless . . .

Wes Golomb: The intent . . . the intent is . . . the definition of a conditioned vs. unconditioned basement in the Code, if its an unconditioned basement, the ceiling of the basement is insulated, and the thermal barrier between heated and unheated space, is that ceiling of the basement floor, first floor, so you can have a oil burner in the basement for example, with the ceiling insulated and that's an unconditional space.

Jerry Tepe: To follow-up, I just want to make sure that we are clear and we make sure we go back and check the definitions clearly state that if we go forward with this change.

Wes Golomb: Ok.

Chairman Clegg: Hold on Wes. Ken Andrews.

Ken Andrews: I just want to clarify one point, we have the president of the Code Officials Association sitting here and I represent the Code Officials, and I am unaware of any formal action taken by the Code Officials Association to insert anything in this Code.

Wes Golomb: There was no formal action. I spoke to you about the . . . about these Rules and I got an overwhelming . . . and I said this last time . . . I got . . . I got 15 or 16 or more actually, specific requests for this to be put in there. It was like triple the closest competitor as far as specific requests for something in the Code. Changes in Code. And that's where its coming from, and if . . . if I misspoke, I apologize, I certainly didn't mean to say that there was a formal . . . organization, but you did tell me in no uncertain terms, your membership did tell me in no uncertain terms that they wanted it.

Chairman Clegg: Ok. Are there any more questions of Wes?

Jerry Tepe: Are we going on to H?

Chairman Clegg: Is there an H? Oh I missed the page – sorry.

Jerry Tepe: H, G and I.

Chairman Clegg: Ok Wes, keep going.

Wes Golomb: H – I'm not clear whether we need this not at all? There is . . . and I wanted to ask the Board members what you thought about this please, and here's why. It could be argued that . . . basically what this is about is 3rd party certified home energy raiders, being allowed to . . . being allowed to (inaudible) their home through their computer program, that a home meets the Energy Code. And, in Chapter 4, it says a systems analysis a means of showing compliance, and in Chapter 5, I believe it is, component performance, is their means for showing compliance, and they simply do one of those two. Either a system analysis or a component, so you could argue either way that this should or should not be a change to the Code. I'm all for whatever you say.

Chairman Clegg: Jerry Tepe.

Jerry Tepe: Mr. Chair, Jerry Tepe. My opinion is that H I and J are all really PUC regulations as how they are going to enforce compliance with it. It is not, in my opinion, a change to the Code.

Wes Golomb: Great. That makes it nice and easy for us.

Jerry Tepe: My opinion.

Chairman Clegg: Well, I'm not sure . . . that's (inaudible)

Jerry Tepe: **My** opinion.

Chairman Clegg: . . . so if I were you, I would continue to explain this to us.

Wes Golomb: Ok. Thank you. Ok, I . . . right now in our Rules, and I think I'm sort . . . I thought I brought 155-G(?) along, I think it may be in RSA 155-G, it says that a non-residential building of 4,000 square feet or less is considered a residential building, whether its commercial or not. The rational for that originally back I think this is . . . back as a 70's I'm sorry . . . late 70's or early 80's this came in . . . was that typically, the same builders are building small commercial structures as their building residences, and so they get . . . have the same Code. That was the rational. Now, since that time, we've had a number of cases, and specifically they've been these (meaning arc?) types stores with the gas station would have large plate glass windows, and the company comes in and says, we're building these nationwide like this, and they pass it as commercial code, but not the residential code. So what I'm simply saying here is if somebody wants to use the Commercial Code for that . . . that it would be their option. I am trying to make it work less of a (inaudible) for these people who are who visit in our State.

Chairman Clegg: John Tuttle.

John Tuttle: I have a question concerning that.

Wes Golomb: Um-hum (indicating yes)

John Tuttle: Would it be useful of that building, then constitute what part of a Code that it needed to adhere to as far as Energy Code?

Wes Golomb: If its commer . . . if its commercial, it would just looking at this book here, if its commercial, its not residential. But we have a change in our current Rules, and I believe its in RSA 155-D, I am really sorry I don't have that with me. That . . . I, . . . things that what I am saying is . . . we're . . . we need to put that aside and deal with that

later, if that is not gonna be. If we feel, for example, that all commercial buildings should use a Commercial Code, whether they are under 4,000 square feet or not, I think that is a legitimate discussion, but its not one of the changes to the Code that we need to deal with today. Oh I am sorry, I shouldn't do that.

Chairman Clegg: Are you all set John?

John Tuttle: Yes.

Chairman Clegg: Tyler.

Tyler Carlisle: I . . . know the old Code . . . one of the old Codes . . . use to say that any building under 4,000 square feet, did not have to comply with the Commercial Energy Code that we use to have.

Wes Golomb: Right.

Tyler Carlisle: Is that where this comes from?

Wes Golomb: Yes.

Tyler Carlisle: Is this still related . . . that Code?

?: I think that's what we're talking about John.

?: Ok.

?: because the concept is there. You have to now do something to get them to comply.

?: to get them to comply.

Chairman Clegg: Jerry Tepe.

Jerry Tepe: Mr. Chair – just to clarify within that explanation from Wes, I, I think obviously is the change to the Code. Retracting what I said earlier for Section I.

Chairman Clegg: Thank you. Wes, go ahead.

Wes Golomb: Ok. And finally, lets . . . J . . . # 6 – we now have in our . . . in 155-D. . . its not only an option, its actually the requirements in 155-D if you had an architect or engineer design the structure that they've got a . . . show . . . they've got to write the letter saying its applied to the Code. What I am adding in here, and Jerry and I talked about this previously, and he . . . I don't want to put words in your mouth, but as I understood it, you agree with me, that it wouldn't be a problem . . . all I am asking is as one of the requirements in that one that is submitted, that the architecture or engineer state how they determined that this meet the Code. Did they determine it in a case of a residential structure through Res check? In a commercial structure through Com check. Did they do a heat loss calculation on it to determine it? Did they do a voodoo chant to determine it, or . . .

Chairman Clegg: That would be acceptable? A voodoo chant?

Wes Golomb: By taking it that one step further, hopefully, what happens is rather than them saying oh yea this beats the Code, that . . . that they can say well I did such and such . . . hopefully, they've actually done it.

Chairman Clegg: Ok.

Wes Golomb: And I think that's all the changes I'm looking for today.

Chairman Clegg: Alright. Is there any further questions? Seeing none. Thank you very much. Unless you had anything you wanted?

Suzanne Amadon: No. Thank you very much.

Chairman Clegg: Thank you. And now for the record, I will ask, is there anyone else in the Public wishing to speak? Seeing none, I will close the PUBLIC HEARING.

Wes Golomb: Thank you.

BOARD MEETING:

Chairman Clegg appointed a sub-committee to go over these proposed changes to the Energy Code. Two situations – 1 for clarifications from a couple of attorney, both from the House and Marta. Some is in our purview, because its anything over 2 family. Some of it isn't. The sub-committee needs to separate that part of it which is part of the commercial or in effect commercial or anything over a 2-family. We can adopt that as part of the Code, we can talk with JLCAR and give them our opinion on the 1 and 2-family home, but we can not adopt that per say for residential. Jerry Tepe, John Tuttle, Fred Baybutt, James Petersen, and Wes Golomb.

Ken Andrews asked for a point of clarification. The Law the statute adopted the 2000 Edition of the International Energy Conservation Code. Without exceptions. As written. With the Rules from PUC, and subsequent clarification through the Legislature as to 1 and 2-family dwellings, does every proposed change to the State Energy Code, regardless of what they refer to, have to go through this Board? Chairman Clegg said yes. The State Building Code has no jurisdiction over 1 and 2 family.

Ken Andrews: We did not do that with the State Plumbing Code nor the State Electrical Code. We are building 10-unit apartment buildings today that by Code, are classified as single family residential structures, which would be exempt from the Code. We deal with 1 and 2 family dwellings. So we need to be real careful on what we exempt and what we don't. The Building Code classifies some of these buildings as single family dwellings – but they are 10-unit or 12-unit apartment buildings – town houses. The JLCAR attorney's should be made aware of this.

Med Kopczynski: Is willing to help out as a referee – and could provide input .

Chairman Clegg: John Tuttle volunteered to be the sub-committee chair. Any time a Rule is made, it has the force and effect of Law. If changes are made to the Code, and the PUC goes in and makes a Rule – there could be 2 laws that conflict. The ones made by the Legislature take precedence.

Wes Golomb: If we can not make changes to this – who would be the appropriate Body.

Chairman Clegg: The Legislature. Tyler.

Tyler Carlisle: Most of these changes relate similar to what's in 2003.

Chairman Clegg: This Body can not adopt 2003 without Legislation.

Tyler Carlisle: Ok. That's the answer.

Adoption of Minutes of January 9, 2004 meeting:

Med Kopczynski made the **Motion** to accept the minutes. **Seconded** by Ken Andrews. Vote was affirmative.

Old Business:

Sub-committee did not have report to submit. They will next meeting.

New Business:

Marta Modigliani: We did receive a final objection on the alternative rule making process. Because it's a final objection, the Board can proceed to adopt the Rule. There are no changes to what the Board had already approved – but do need a formal motion to adopt them. (Marta handed out copies to all Board members). The basis for the objection was that the Joint Legislative Committee on Administrative Rules, was not convinced that this Board had alternative Rule Making Authority from 541-A.

Marta Modigliani: Also presented to the Board the new Board letterhead. Chairman Clegg reported for the record that Senator Gatsas from Manchester, made an official complaint to the Senate office, that Chairman Clegg's name was on a document, that had Richard Flynn, Commissioner of Safety's letterhead.

Med Kopczynski made a **Motion** to adopt the Rules. **Seconded** by Jerry Tepe. Chairman Clegg declared the Rules adopted.

Other Business:

Med Kopczynski made a **Motion** to adjourn for legal advice. Wes Golomb **Seconded** the motion. Motion was unanimous and so declared by the Chair.